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American Public Power Association

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Washington, D.C. 20037-1484
202/467-2900
202/467-2910

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FCC MAIL ROOM

November 7, 2000

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, SW
Eighth Floor
Washington, DC 20554
By Messenger

Re: Notice of *Ex Parte* Communications in Petition for Preemption of
Section 392.410(7) of the Revised Statutes of Missouri;
CC Pol Docket No 98-122

Dear Secretary Salas:

On November 6, 2000, Jane Cirrincione and Richard Geltman of the American Public Power Association (APPA) participated in an *ex parte* meeting with Kyle Dixon, Legal Advisor to FCC Commissioner Powell. The meeting occurred in Conference Room 3 on the eighth floor at the Portals and lasted approximately fifteen minutes.

During the meeting we discussed our September 28, 2000 supplementary memorandum to Christopher Wright, outlining two preemption arguments: 1) that when a state gives its political subdivisions authority to engage in activities that are subject to federal law, state laws that are preempted if applied to privately-owned providers of service must also be preempted as applied to the same activity by publicly-owned providers; and 2) a state law that imposes barriers to entry directly conflicts with the pro-competitive provisions and policies of the Telecommunications Act of 1996 and Section 253(a) and exceeds the authority reserved for state action under Section 253(b), (c) and (f).

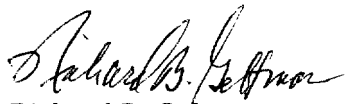
Mr. Dixon was provided with a copy of the September 28th memorandum that the American Public Power Association had previously distributed to the persons on the attached list. Having distributed the memorandum once, APPA is not distributing it again this time, but it will make the memorandum available on request.

No. of Copies rec'd 0
List ABCDE

In accordance with the Commission's rules governing *ex parte* presentations, I am providing two (2) copies of this letter.

Thank you for your consideration

Sincerely,

A handwritten signature in black ink, appearing to read "Richard B. Geltman". The signature is fluid and cursive, with the first name "Richard" and last name "Geltman" clearly distinguishable.

Richard B. Geltman
General Counsel

cc: Attached Service List

CERTIFICATE OF SERVICE

I, Richard B. Geltman, hereby certify that on this 7th day of November 2000, I caused copies of the foregoing letter to be served on the parties on the attached Service List by first-class U.S. Mail.

By U.S. Mail:

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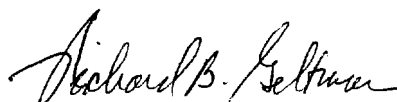
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November 7, 2000